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7

FILED & ENTERED

MAR 13 2024

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY bolte DEPUTY CLERK

8 UNITED STATES BANKRUPTCY COURT

9 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

10 In re

Case No. 8:20-bk-13014-SC

11 NORTHERN HOLDING, LLC,

Chapter 7

12 Debtor.

13 ORDER RE: FURTHER ADJUDICATION OF
CIVIL CONTEMPT INCLUDING BODILY
DETENTION OF LEROY E. CODDING

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15 [ORDER CONTINUING HEARING AND FOR
PERSONAL APPEARANCE OF LEROY
CODDING – DK. 453]

16
17 Status Hearing on Contempt

Date: March 12, 2024

Time: 11:00 a.m.

Ctrm: 5C

Address: 411 W. Fourth Street
Santa Ana, CA 92701

21 Holding Dates for Voluntary Surrender:

22 First Date: March 14, 2024

First Time: 11:00 a.m.

23 Second Date: March 19, 2024

Second Time: 10:00 a.m.

25 Third Date: March 26, 2024

26 Third Time: 11:00 a.m.

27 Ctrm: 5C

28 Address: 411 W. Fourth Street
Santa Ana, CA 92701

1 On March 12, 2024, at 11:00 a.m., the Court held a continued hearing on its order
2 adjudicating Leroy Emerson Codding, IV (“Mr. Codding”) in civil contempt, which order was
3 entered on October 5, 2023, as Docket No. 424 (“Contempt Order”). Additionally, on February 28,
4 2024, as Docket No. 453, the Court entered an order directing Codding to personally appear on
5 March 12, 2024, at 11:00 a.m. (“Order for Personal Appearance”). On March 1, 2024, as Docket No.
6 454, the Chapter 7 Trustee filed a proof of service for the Order for Personal Appearance providing
7 that Codding received notice of the Order for Personal Appearance via U.S. Mail and e-mail.

8 At the hearing, Tinho Mang appeared on behalf of Richard A. Marshack, Chapter 7 Trustee
9 (“Trustee”). No other appearances were made, either in person or via ZoomGov. Specifically, Mr.
10 Codding did not appear. Good cause appearing, and for the reasons discussed on the record, the
11 Court enters its order as follows:

12 **IT IS ORDERED THAT:**

13 1. Leroy Emerson Codding, IV remains in civil contempt as set forth in the Contempt
14 Order, and has not purged his civil contempt of such order.

15 2. Leroy Emerson Codding, IV is *further* adjudicated in civil contempt of the Order for
16 Personal Appearance, by his failure to appear for the hearing on March 12, 2024, at 11:00 a.m.,
17 when the Order for Personal Appearance directed him to appear in person in the Court.

18 3. In light of the history of these contempt proceedings, as summarized by Trustee’s
19 status report filed on February 20, 2024, as Docket No. 451, and the evidentiary hearing conducted
20 by the Court on May 11, 2023, the Court finds that there is no lesser alternative civil sanction for Mr.
21 Codding’s willful violation of the Order for Personal Appearance than to order his immediate bodily
22 detention. **The United States Marshals Service (“USMS”) is ORDERED to locate and
23 apprehend Leroy Emerson Codding, IV and bring him in custody before the Court forthwith.**

24 4. The USMS shall use whatever reasonable force necessary to execute this order for
25 bodily detention. Mr. Codding’s last known business address is 1605 Commerce Way, Paso Robles,
26 CA 93446 pursuant to his last appearance in front of this Court on February 27, 2024, and his most
27 recent known phone number is (952) 220-8216.

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1 5. Pursuant to Local Bankruptcy Rule 7064-1(e), the USMS shall have no liability
2 arising from any acts, incidents, or occurrences in connection with the apprehension of Mr. Codding
3 arising in the ordinary authorized scope of duties of the USMS (which acts do not include arising
4 from negligent or intentional tortious conduct), including any third party claims.

5 6. Upon detaining Mr. Codding, the USMS shall promptly notify the Court for purposes
6 of promptly bringing Mr. Codding before the Court.

7 7. If Mr. Codding is found in a district outside the United States Bankruptcy Court for
8 the Central District of California, he shall be taken into custody and removed as follows:

9 A. If taken into custody at a place less than 100 miles from the United States
10 Bankruptcy Court, Central District of California, 411 W. Fourth Street, Santa Ana,
11 California 92701 (“Courthouse”), he shall be brought forthwith before this Court; or

12 B. If taken into custody at a place 100 miles or more from the Courthouse, he
13 shall be brought without unnecessary delay before the nearest available United States
14 magistrate judge, bankruptcy judge, or district judge. If, after hearing, the magistrate
15 judge, bankruptcy judge, or district judge determines that the person in custody is Leroy
16 Codding, or if Mr. Codding waives a hearing, the magistrate judge, bankruptcy judge, or
17 district judge shall order Mr. Codding to be transported to the Courthouse for a further
18 hearing, and Mr. Codding shall be released only on conditions ensuring prompt
19 appearance before this Court.

20 8. Mr. Codding may also, at his election, voluntarily surrender to the Court by appearing
21 **in person** at the Courthouse located at 411 W. Fourth Street, Courtroom 5C, Santa Ana, CA 92701
22 at any of the following three continued hearings, to purge his contempt of the Personal Appearance
23 Order:

24 a. March 14, 2024, at 11:00 a.m.
25 b. March 19, 2024, at 10:00 a.m.
26 c. March 26, 2024, at 11:00 a.m.

27 9. Notwithstanding the option of voluntary surrender and voluntary appearance by Mr.
28 Codding consistent with the paragraph above, there is no stay of the effectiveness of this order for

1 body detention, and the USMS shall immediately effectuate this order for body detention. When Mr.
2 Coddng appears before the Court, he must show cause to the Court why he has not purged his civil
3 contempt as set forth in the Contempt, specifically with respect to Mr. Coddng's failure to pay the
4 compensatory civil sanction of \$174,600 (comprised of \$170,000 in compensatory civil sanctions, as
5 agreed by Coddng, plus \$4,600 of 23 days of coercive civil sanctions of \$200 per day), to the
6 Trustee. The Court may also consider the imposition of additional sanctions for Mr. Coddng's
7 ongoing civil contempt.

8 10. The provisions of this order are civil and not criminal in nature and are designed only
9 to coerce compliance with this Court's orders and judgments, including the Court's orders that Mr.
10 Codding personally appear before it.

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Date: March 13, 2024



Scott C. Clarkson
United States Bankruptcy Judge

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) ORDER RE: FURTHER ADJUDICATION OF CIVIL CONTEMPT INCLUDING BODILY DETENTION OF LEROY E. CODDING was entered on the date above and will be served in the manner indicated below:

SERVED BY THE COURT: A certified copy of a true copy of this judgment or order was personally delivered to the following person(s) and/or entity(ies) at the address(es) indicated below:

U.S. Marshals Service
411 W. 4th Street
Santa Ana, CA 92701

4858-9558-1101, v. 1